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## **SUBPOENA REQUIREMENTS**

While Rule 45 of the Federal Rules of Civil Procedure allows attorneys to issue their own subpoenas, the clerk's office will issue subpoenas provided they comply with the following requirements:

1. The subpoena must contain the text of subdivisions (c) and (d) of FRCP 45. If not, the subpoena will be returned unissued.
2. The following subpoenas are allowed:
  - a. Subpoena for Production of Documents Only.
  - b. Subpoena for Deposition, which also may include production of documents.
  - c. Subpoena for Trial or Hearing, which also may include production of documents.
3. A Notice of Deposition is not required to be filed at the time the subpoena is issued. A copy of the Notice of Deposition does not need to be filed for the issuance of a foreign subpoena. A foreign subpoena can be issued only where the deposition is to be held in Arizona or where production of documents is to occur in Arizona (the records to be produced are in Arizona).
4. The location of the deposition, hearing or trial must be in the District of Arizona (the State of Arizona). The production of documents must occur in this district. The person or business being served the subpoena for production of documents must be located in Arizona.
5. The address of the person served must be in Arizona unless the subpoena is for a trial, hearing or deposition to be held in Arizona, in which case the person served may reside outside of Arizona if within 100 miles of the location of the trial, hearing or deposition.
6. The \$20 filing fee is not required for the clerk to issue a foreign subpoena. A \$20 filing fee is due when an affidavit of service of the foreign subpoena we issue is filed with our office.
7. If the attorney issues a subpoena, nothing needs to be filed. The subpoena or a copy of it should only be filed as an exhibit or attachment to the affidavit of service or the subpoena may be filed when it contains the certificate of service and the certificate of service has been completed.